

R-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

CHAPTER V — PREPARING ENVIRONMENTAL IMPACT STATEMENTS

A. General. When a proposed action, including a proposed policy or legislative recommendation, is projected to have a significant impact on the quality of the human environment, an environmental impact statement (EIS) must be prepared. An EIS is intended to provide decisionmakers and the public with a complete and objective evaluation of significant environmental impacts, both beneficial and adverse, resulting from a proposed action and all reasonable alternatives. An EIS is a major vehicle for fulfilling the substantive environmental goals set forth in NEPA.

1. Actions Normally Requiring an EIS. The list of major actions which normally require the preparation of an EIS is found in 516 DM 6, Appendix 5 and reproduced in Appendix 6.

2. Actions Determined to Require an EIS. The manager responsible for authorizing an action may determine that a proposed action must be analyzed in an EIS based either on the results of an EA or on other information and data on potentially significant impacts.

3. When to Initiate the Preparation of an EIS. For proposals initiated within the BLM, the EIS is prepared prior to any commitment to the proposal. For externally initiated proposals, the EIS is prepared after receipt of an essentially complete application (40 CFR 1502.5 and 516 DM 4.3).

4. How to Determine Lead for the Preparation of an EIS. The Assistant Secretary for Policy, Budget and Administration designates the lead Bureau within the Department when Bureaus under more than one Assistant Secretary are involved and represents the Department in consultations with CEQ or other Federal agencies in the resolution of lead agency determinations (516 DM 2.4). Factors to consider in determining lead agency are specified in 40 CFR 1501.5(c). Within the BLM, the lead office responsible for preparing the EIS is determined in accordance with program-specific guidance. For multi-State projects, the Director, usually through the WO program lead, designates the lead State Director. The State Director has the authority to assign the lead office within their State.

B. Environmental Impact Statement Procedures. The EIS process includes: (1) scoping the EIS; (2) conducting the analysis and preparing the draft EIS; (3) issuing the draft EIS; (4) analyzing the comments and preparing the final EIS; (5) issuing the final EIS; and (6) reaching and recording the decision. Program-specific guidance should be consulted for additional procedural requirements for the activities or programs involved or addressed in the EIS. (See 1600 series of the BLM Manual for guidance on the RMP/EIS.)

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1. Scoping the EIS. (40 CFR 1501.7, 1506.6 and 1508.25). The purpose of scoping, generally, is to focus the analysis on significant issues and reasonable alternatives in order to eliminate extraneous discussion and reduce the length of the EIS. Among other things, scoping helps: involve the public and affected agencies early in the process; identify significant issues to be analyzed as well as alternatives and potential impacts to be addressed; and allocate assignments for preparing the document among lead and cooperating agencies. Scoping is not a single isolated action, but an ongoing process. The following actions or decisions are accomplished during the EIS scoping:

a. Publish Notice of Intent (40 CFR 1508.22, 516 DM 2.3D, Part B, 2.2B). A Notice of Intent (NOI) must be prepared by the lead office and published in the Federal Register as soon as practical after it is determined that an EIS will be prepared. Publication of an NOI formally begins scoping for an EIS. Two purposes of an NOI are: to notify persons or agencies interested in, or affected by, a proposed Federal action; and to seek information and/or participation in scoping. To the extent practical, the NOI should be combined with program-specific notice requirements. (See Paragraph C.1. below for guidance on the content of an NOI.) Also consult Chapter VIII for guidance on publishing notices in the Federal Register.

b. Develop Preparation Plan. The lead office should develop a written preparation plan which sets limits on the analysis and provides a plan to guide the preparation of the EIS. The preparation plan facilitates coordination between participants involved in the preparation of the EIS and those with approval and oversight responsibilities.

(1) There are no Bureau format or content requirements for a preparation plan. In some cases, program-specific guidance has been prepared which provides specific content and format guidance. A preparation plan generally addresses procedural, organizational, public involvement, coordination and consultation, contracting, cost reimbursement, scheduling and other details regarding the preparation of the EIS as discussed below. (See Paragraph C.2 below for guidance on the content and format of a typical preparation plan.)

(2) Information usually found in a preparation plan is sometimes integrated into other formal documents such as memoranda of understanding or contracts. In resource management planning, the preplanning analysis covers material normally addressed in a preparation plan.

(3) The preparation plan should be approved by the manager responsible for authorizing the proposed action. It is recommended that the State Director, or other appropriate manager with oversight responsibilities, also approve preparation plans. In some cases, depending upon the nature of the project or plan, it may be desirable to obtain a broad review of the preparation plan prior to approval.

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(4) Any significant changes in EIS preparation plans, especially those which affect the schedule or scope of the 'EIS, should be approved by the manager responsible for authorizing the proposed action and, if necessary, the State Director or other appropriate manager.

c. Develop Strategy for Public Involvement and Interagency/Intergovernmental Coordination and Consultation. Public Involvement and interagency/intergovernmental coordination and consultation are essential to scoping as well as to subsequent phases of the EIS process. A written strategy or plan should be developed for involving the public and for coordinating/consulting with other governmental agencies with Interest or expertise in the activities or issues being addressed. The plan should be incorporated into the preparation plan.

(1) Members of the public as well as other agencies or organizations known to be interested in or affected by the proposed action should be identified and put on appropriate mailing lists.

(2) Agencies with special expertise or interest in the subject should be notified in order to alert them of potential consultation and coordination needs and to invite them to be cooperating agencies, if appropriate (see Paragraph B.1.g below). Memoranda of understanding or interagency agreements which provide for coordination and consultation should be adhered to or developed, where appropriate, to help guide such activities.

(3) Schedules for public meetings or hearings, mailings, consultations, and other similar activities involved in the scoping process should be developed (see Paragraph B.3.e below). Also consult program-specific guidance for additional requirements.

(4) The lead office is encouraged to use a variety of methods and mediums for keeping the public meaningfully informed of progress and for obtaining their feedback. It is also necessary to develop mechanisms for tracking and recording public involvement. (See Chapter VIII for guidance on recordkeeping.)

d. Define Proposed Action. Defining the proposed action plan is key to subsequent analysis. It is an ongoing process which usually begins prior to the issuance of the NOL. In the case of a BLM-initiated proposal, the proposed action will usually evolve and change based on the results of public input during scoping and subsequent analysis. Thus, for internal proposals, the identification and definition of the proposed action is generally more tentative in the early stages. In the case of an externally initiated proposal, where the BLM is responding to an applicant's proposal, the proposed action reflects what the applicant is specifically proposing to do and should be clearly defined early in the process. Some important considerations in defining the proposed action are:

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(1) Coordination with Applicants. In defining externally proposed actions, coordination with applicants is essential. As soon as feasible, an individual should be assigned to coordinate with the applicant. This early coordination should concentrate on achieving a clear definition of the applicant's proposal so that the Bureau can proceed with the analysis.

(2) Aggregation of Proposed Actions. The determination to consider actions separately or in combination with other actions is important in defining the scope of the analysis as well as defining the proposed action. Proposed actions can be analyzed together and documented in a single EIS when the actions are: generally similar; located in the same geographical area; intended to be implemented at or near the same time; expected to result in cumulative impacts; expected to set a precedent for future actions; or are mutually dependent.

(3) Incorporation of Mitigation. To the extent known, measures which could reduce adverse impacts or enhance beneficial impacts should be incorporated into the proposed action. In the case of externally initiated proposals, this would involve working with the applicant to change the project design in order to reduce or eliminate impacts. Any such changes must be submitted or agreed to by the applicant in writing as an amendment to their initial application and described as part of the proposed action, e.g., design features or management practices, rather than as separate mitigation measures added later.

(4) Conformance Requirement. The proposed action must conform with the existing RMP or MFP for the area (see MS 1617). If it does not and the manager responsible for authorizing the action determines that the proposed action warrants further consideration, then the plan must be amended or revised. (See Chapter I for a discussion of rejections of proposed actions due to nonconformance with an existing land use plan.)

e. Identify Purpose and Need, Alternatives to be Considered, and Impacts to be Analyzed. The BLM must define the purpose and need for the proposed action, identify alternatives to be considered, and determine what impacts need to be analyzed. Public involvement and consultation/coordination with other government agencies are important in accomplishing these tasks.

(1) Purpose and Need. For externally initiated proposals, the purpose and need generally reflects what the applicant intends to accomplish by the proposed action, e.g., to transport and sell natural gas to consumers. In such cases, issues and concerns about the proposed action should be identified as well as the BLM's role in authorizing the action, e.g., the BLM must approve the ROW grant, issuance of lease, etc. For internally initiated proposals, the purpose and need generally reflects the BLM's desire to resolve management or planning issues and concerns, e.g., to establish a management strategy for protecting a sensitive riparian area.

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(2) Alternatives to be Considered, Before impacts can be analyzed in detail, reasonable alternatives to the proposed action — including the no-action alternative which reflects continuation of current management practices and/or denial of the action — must be defined. A range of alternatives is initially formulated during scoping and is refined throughout the EIS process. New alternatives can and should be developed and defined as the need arises during preparation of the EIS.

Each alternative, except for the no-action alternative, should represent an alternative means of satisfying the identified purpose and need and of resolving issues. The rationale for considering but not selecting for further analysis certain suggested alternatives must be documented, especially those suggested by the public or other agencies (40 CFR 1502.14 (a)). Consult program-specific guidance for additional requirements on alternatives.

(3) Impacts to be Analyzed. The types of environmental impacts analyzed in the EIS should be identified during scoping and refined, to the extent possible, to precise topics for impact analysis. Generally, these impact topics represent environmental factors which the decisionmaker will consider in arriving at a decision on the proposed action or an alternative. In some cases, impact thresholds may be identified (i.e., minimum or maximum levels of acceptable impact).

f. Identify Information and Data Needs. Early in the process, the lead office should begin to identify information and data needs and availability. Generally this will involve: reviewing and organizing existing information and data; determining what additional information or data are needed, including level of detail; obtaining additional information and data; and determining if there is any incomplete or unavailable information.

Information needs are primarily determined by the extent to which the proposed action and alternatives are likely to affect the quality of the human environment. Information and data from existing analyses (see Chapter III) should be used as appropriate for the analysis, including tiering to and/or incorporating by reference relevant material from such analyses (40 CFR 1502.21). Also identify non-NBPA analyses or technical studies containing data and information that may be used or incorporated by reference into the EIS.

Enough information about the proposed action and alternatives and the environmental setting must be available to analyze potential impacts. Additional data needs should be specifically identified. Use the guidance in 40 CFR 1502.22 if, at any time during scoping or preparation of the EIS, it is determined that relevant information is incomplete or unavailable.

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g. Identify Cooperating Agencies (40 CFR 1501.5,,1501.6, 1508.5 and 1508.16; 516 DM 1.5). The BLM, as lead agency, is responsible for establishing liaison with all Federal, State, local, and Tribal agencies that have jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed action and for requesting their participation as a cooperating agency on an EIS, as appropriate. The CEQ has identified areas of jurisdiction by law or special expertise for all Federal agencies (see F.R. Vol. 49, No. 247, 12/21/84).

Before proceeding past the scoping process, the BLM official responsible for preparing the EIS should determine if work with any cooperating agencies is covered by an existing memorandum of understanding (MOU) or interagency agreement (IA). If it is, the MOU or IA should be followed or modified as necessary. If it is not, a formal MOU should be developed which identifies the respective responsibilities of the BLM and the cooperating agency in preparing the EIS. General responsibilities for lead and cooperating agencies are set forth in 40 CFR 1501.6 (a) and (b). If disagreements arise over agency assignments or responsibilities which cannot be resolved at the State Director level, the Director (760) should be consulted for assistance in negotiating a settlement or otherwise resolving the problem.

h. Determine Contracting Needs (40 CFR 1506.5(c)). Contracting may be used for the preparation of an EIS or for certain analyses to support preparation of an EIS. Contracting is useful for providing expertise which the BLM lacks, reducing the amount of effort needed for analysis and document preparation by the BLM, and completing the EIS in a shorter period of time.

There are two principal approaches for contracting environmental documents: standard Federal contracting procedures (competitive procurement); and third-party contracting. Procurement of contracts is subject to the Federal Acquisition Regulation (48 CFR 1). Third-party contracting may be used most effectively for non-Bureau energy initiatives (e.g., power plants and certain rights-of-way). The key element in both approaches is BLM control of analytical standards used, of the products produced and of the schedule. See Appendix 7 for additional guidance on contracting.)

i. Determine Staffing and Budget Needs and Proposed Schedule. Staffing and budget requirements, as well as a detailed schedule for preparing the EIS, are usually settled during scoping and incorporated in the preparation plan. The development of a realistic schedule and budget is extremely important. Sufficient time must be allowed and the budget determined for all activities. Early consideration of timeframes, such as building in adequate time for composing and printing the EIS, will minimize unexpected delays or changes in the schedule.

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The team leader is selected early in the scoping process and, in most cases, provides staff support to the appropriate manager throughout the scoping effort. The makeup of the interdisciplinary team is also considered early in the process and may include specialists from other cooperating agencies. The selection and mix of the disciplinary specialists on the team is generally based on the issues and concerns identified during scoping (see 40 CFR 1502.6).

2. Conducting the Analysis and Preparing the Draft EIS. After all data and information has been collected and organized, the interdisciplinary team conducts the analysis and prepares a draft EIS.

a. Conduct the Analysis. The content requirements of the draft EIS should be carefully reviewed prior to conducting the analysis (see Paragraph C.3 below). In some cases, it may be useful to develop a mock up of the EIS to help guide subsequent work. The analysis generally involves:

(1) Describing the existing environment, in particular focusing on resources and conditions in the human environment which will be affected by the proposed action or alternatives (40 CFR 1502.15). Critical elements which are listed in Appendix S are subject to statutory, regulatory, or other requirements and their current status should be described in all EIS's. If such elements are not described in detail, a brief explanation of why they are not addressed should be documented (e.g., not present or not affected).

(2) Refining the description of the proposed action and alternatives, including when necessary the formulation of new alternatives (40 CFR 1502.14). To the extent possible, mitigation should be incorporated into the proposed action or alternatives as design features or management practices. For externally initiated proposals, the applicant must concur (in writing) with any modifications to the proposed action.

(3) Analyzing the impacts of the proposed action and each alternative on the affected environment (40 CFR 1502.16). The manager and team leader preparing the EIS have flexibility and discretion in determining how the analysis is accomplished. The objective should be to find the most efficient method(s) of estimating potential impacts.

The analysis of impacts should be based on the premise that all standard operating procedures and other standard Bureauwide requirements will be followed in implementing the proposed action and alternatives unless changes in such practices are specifically being addressed in the analysis or considered in an alternative.

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When analyzing impacts, consider the effects of actions from the perspective of future generations in addition to considering their immediate effects. In other words, analyze short-term uses of the environment in terms of their effects on long-term productivity of resources and the irreversible and irretrievable commitments of resources resulting from those uses. To the extent possible, the analysis of impacts should be quantified. All impacts should be evaluated against the requirements in 40 CFR 1508.7, 1508.8, and 1508.27. Where there is incomplete or unavailable information for evaluating reasonably foreseeable significant adverse impacts, the procedures identified in 40 CFR 1502.22 must be followed.

(4) Developing and analyzing mitigation measures (40 CFR 1502.14(f) and 1508.20). Mitigation measures which could reduce adverse impacts or enhance beneficial impacts and which have not been incorporated in the proposed action or an alternative must be identified and analyzed. The analysis should address the anticipated effectiveness of these mitigation measures in reducing adverse impacts or enhancing beneficial impacts. Analyze any residual impacts or unavoidable adverse impacts which remain after mitigation measures have been applied as well as any further impacts caused by the mitigation measures themselves.

(5) Identifying appropriate monitoring and enforcement activities for mitigation measures (40 CFR 1505.2(c)). Generally, it is recommended that monitoring activities proposed to meet the intent of NEPA be clearly distinguished from monitoring required by program-specific guidance and/or discretionary monitoring activities (see Chapter VI).

b. Select the Preferred Alternative. The manager responsible for preparing the EIS should select the BLM's preferred alternative. For internally initiated proposals, the agency's preferred alternative is the proposed action. For externally initiated proposals, i.e., when the BLM is reacting to an application, the BLM selects its preferred alternative unless another law prohibits such an expression (516 DM 4.10A). This means that if the BLM has a preferred alternative, it must be identified as such in the draft. If the BLM does not have a preferred alternative or desires to issue the draft EIS without identifying the preferred alternative, approval must be obtained from OEPR and the Solicitor's Office. The selection of the preferred alternative should be based on the environmental analysis as well as consideration of other factors which influence the decision or are required under another statutory authority.

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c. Prepare a Preliminary Draft EIS. A preliminary draft EIS is prepared in accordance with the format and content requirements discussed in Paragraph C. 5 below. The preliminary draft EIS is internally reviewed. Internal review procedures may vary according to the issues being addressed and the nature of the proposed action. Usually, line managers, affected program offices in the State Office as well as cooperating agencies participate in the review process. In some instances, a Washington Office (WO) or Departmental review of the preliminary draft EIS may be required.

d. Complete the Draft EIS. The team revises the preliminary draft on the basis of internal review comments. A final review by the State Director is usually required before approval is given to release the document as a draft EIS for public review. In some instances, WO or Departmental approval may be required.

3. Issuing the Draft EIS, Once approved, the draft EIS is printed, filed with the Environmental Protection Agency (EPA), and issued for public review and comment.

a. Print the Draft EIS. All EIS's are prepared for printing in accordance with BLM Manual Section 1551. EIS's are not subject to the requirements of Form DI-550, Publications Approval Request and Control Document, as prescribed in 471 DM 4. However, the DI-550A (worksheet) may be required on a local level to coordinate printing activities.

b. File With EPA. File the draft EIS with the EPA in accordance with procedures identified in Chapter VIII. The EPA will then publish notice of the filing in the Federal Register. The date the EPA notice appears in the Federal Register initiates the public review period. At least 60 days from the date the draft EIS is transmitted to EPA must be allowed for public review (516 DM 4.24). Consult program-specific guidance for additional requirements regarding filing procedures and public review periods, e.g., 90-day review requirement for the draft RMP/EIS.

c. Notify the Public of the Availability of the Draft EIS for Review. On actions with effects of national concern or if required in program-specific guidance, the BLM must publish a notice of availability (NOA) of the draft EIS in the Federal Register. Content and format guidance for an NOA is discussed in Paragraph C.5 below. Procedures for publishing the NOA in the Federal Register are identified in Chapter VIII. A press release is usually prepared for national and/or local media to announce the availability of the draft and to announce any public meetings or hearings.

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d. Distribute the Draft EIS. Generally, distribution should begin when the draft EIS is transmitted to EPA for filing. The standard distribution of EIS's to Interior and other Federal agencies is identified in Appendix 8. Copies must also be distributed to individuals, organizations, and agencies on the mailing list and to participants in public meetings. (Also see 40 CFR 1503.1.) Comments from State and local agencies must be requested in accordance with procedures established under Executive Order 12372 (see 516 DM 4.16 and 511 DM). The printer may be provided a copy of the distribution list and be responsible for the initial distribution of EIS's. Sufficient copies must be printed and available in appropriate BLM offices for distribution to those who request a copy during the review period. Copies should also be available for public review in the State Office and the appropriate Area or District Office(s). Documents incorporated by reference in the draft EIS must also be available for public review in suitable locations.

e. Hold Public Meetings/Hearings. Public meetings should be held to receive comments on the draft EIS whenever required by another statutory authority or whenever otherwise appropriate. The criteria for determining whether it is appropriate to hold a meeting (in those cases when it is not a statutory or regulatory requirement) are set forth in 40 CFR 1506.6(c). Formal public hearings may be required in specific cases. Public hearings have more stringent requirements for conducting the hearing and recording the proceedings. Consult 455 DM 1 and program-specific guidance for requirements related to public hearings. The following guidance applies to public meetings:

(1) Scheduling Meetings. Public meetings should be scheduled to provide the public with a reasonable opportunity to review the draft EIS prior to the meeting. Generally, the meeting should not be held sooner than 15 days after the EPA notice of filing. However, meetings should not be held so late in the comment period as to preclude attendees from submitting written comments or prevent the team from having adequate time to respond to the comments.

(2) Announcing. If public meetings are to be held, it is desirable to announce their dates, times, and locations in the Federal Register, usually in the NOA, as well as in a press release to local media. It is recommended that planning for the meeting(s) be completed before distributing the draft EIS. Meetings may be announced locally prior to the printing of EPA's Federal Register notice.

(3) Conducting Meetings. Public meetings may be conducted using a variety of formats. Records of public meetings should be maintained, including a list of attendees (as well as addresses of attendees desiring to be added to the mailing list) and notes or minutes of the proceedings.

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4. Analyzing the Comments and Preparing the Final EIS. Following the public review period, comments must be analyzed, appropriate responses prepared, the EIS changed as appropriate, and a final EIS issued.

a. Evaluate and Respond to Public Comments. Public comments (written or oral) play an integral role in the NEPA process. Comments on the draft EIS differ from public involvement earlier in the process because this is the first chance the public has to review and comment on the impact analysis and the agency's preferred alternative and/or proposed action. Comments are addressed if they: are substantive and relate to inadequacies or inaccuracies in the analysis or methodologies used; identify new impacts or recommend reasonable new alternatives or mitigation measures; or involve substantive disagreements on interpretations of significance (see 40 CFR 1502.19, 1503.3, 1503.4, 1506.6, and 526 DM 4.17). Several typical types of comments and appropriate responses are discussed below.

(1) Comments on Inaccuracies and Discrepancies. Factual corrections should be made in the EIS in response to comments which identify inaccuracies or discrepancies in factual information, data, or analysis.

(2) Comments on the Adequacy of the Analysis. Comments which express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate may or may not lead to changes in the EIS. Interpretations of analyses should be based on professional expertise. Where there is disagreement within a professional discipline, a careful review of the various interpretations is warranted. In some cases, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the manager responsible for preparing the EIS does not think that a change is warranted, the response should provide the rationale for that conclusion.

(3) Comments Which Identify New Impacts, Alternatives, or Mitigation Measures. If public comments on a draft EIS identify impacts, alternatives, or mitigation measures which were not addressed in the draft, the manager responsible for preparing the EIS should determine if they warrant further consideration. If they do, that official must determine whether the new impacts, new alternatives, or new mitigation measures should be analyzed in either: the final EIS; a supplement to the draft EIS; or a completely revised and recirculated draft EIS.

(4) Disagreements With Significance Determinations. Comments may directly or indirectly question determinations regarding the significance or severity of impacts. A reevaluation of these determinations may be warranted and may lead to changes in the EIS. If, after reevaluation, the manager responsible for preparing the EIS does not think that a change is warranted, the response should provide the rationale for that conclusion.

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(5) Expressions of Personal Preferences. Comments which express personal preferences or opinions on the proposal do not require a response. They are summarized whenever possible and brought to the attention of the manager responsible for preparing the EIS. Although personal preferences and opinions may influence the final selection of the agency's preferred action, they generally will not affect the analysis.

b. Prepare a Preliminary Final EIS. All substantive comments, changes, corrections, and revisions are incorporated into a preliminary final EIS. Interdisciplinary team members are generally responsible for the same sections of the manuscript in the final EIS as in the draft EIS. (See Paragraph C.4 below for a discussion of alternative formats for the final EIS.) Regardless of its format, the new manuscript, with a new cover sheet, should be submitted for internal review as a preliminary final EIS.

c. Reevaluate and Revise, If Necessary, the BLM's Referred Alternative or Proposed Action. The manager responsible for preparing the EIS reevaluates and revises, if necessary, the selection of the BLM's preferred alternative or proposed action based on changes in the impact analysis, public comments, and internal review comments. If the BLM did not identify a preferred alternative in the draft EIS, the manager must make that selection for the final. If the preferred alternative or proposed action is outside the scope and analysis in the draft EIS then a supplement must be prepared (see Chapter III, Paragraph D). The manager responsible for authorizing the action must approve the final EIS for release to the public.

5. Issuing the Final EIS. Following approval of its release, the final EIS is printed, filed with EPA, and distributed to the public. (See Paragraph B.3 above for guidance on printing, filing, and distributing the EIS.) For actions with effects of national concern or if required by program-specific guidance, a BLM notice of availability (NOA) must be published in the Federal Register. (See Chapter VIII for guidance on publishing Federal Register notices.) It is recommended that a press release be issued on the final EIS. The final EIS must be made available to the public for a minimum of 30 days. The date the EPA notice appears in the Federal Register initiates the 30-day availability period.

6. Reaching and Recording the Decision. Following the 30-day availability period, a decision may be made. Decisions on an EIS are recorded in a concise public record of decision (ROD). No action concerning a proposal may be taken until the ROD has been issued, except under conditions specified in 40 CFR 1506.1. Additional guidance on the timing of the ROD is found in 40 CFR 1506.10.

NOTE: Consult with the Director (760) regarding use of the exception to the 30-day delay between the release of the final EIS and the issuance of the ROD set forth in 40 CFR 1506.10(b)(2).

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The evaluation of comments, if any, received on the final EIS during the 30-day availability period and the documentation of the decision are discussed below.

a. Evaluate Public Comments. Generally, new substantive or other comments which necessitate revisions in the EIS are not received on the final EIS. However, comments on the final, if any, should be reviewed to determine if they have merit, e.g., identify significant issues not previously addressed or introduce new significant information. If so, the manager responsible for preparing the EIS must determine whether a supplemental draft EIS or supplemental final EIS is warranted. If not, the commentor should be advised, if possible and appropriate, of the availability date for the ROD.

b. Document the Decision. If no changes are warranted, an ROD is prepared which documents the selected alternative as well as mitigation measures. As previously indicated, and unless an exception has been granted, the ROD is not issued until the 30-day no-action period has lapsed following the publication of the EPA notice on the final EIS in the Federal Register and other program-specific requirements, if any, have been met. The ROD is a written document which must be signed by the manager with the authority to make the decision. The ROD may be integrated with any other record prepared by the BLM (40 CFR 1505.2). Consult program-specific guidance for any additional requirements regarding the preparation of ROD's. (See Paragraph C.6 below for format and content guidance for the ROD.)

c. Advise the Public of the Availability of the ROD. The public must be advised of the availability of the ROD (40 CFR 1506.6). This should be through an NOA in the Federal Register for an action of national concern as well as through local and regional news media. (See Chapter VIII for guidance on publishing Federal Register notices.) A copy of the NOA and/or ROD-must be provided to those who have requested it. A copy of the NOA and/or ROD should also be provided to substantive commentors on the draft or final EIS and to others known to have a strong interest in the proposal(s). Generally, the funding office in Washington will specify WO or other distribution requirements, e.g., a copy of the ROD for RMP's or plan amendments must be provided to WO-760. Consult program-specific guidance for additional requirements on the distribution of ROD's or records which incorporate ROD's,

C. Documentation.

1. The Notice of Intent (40 CFR 1508.22). The NOI must be formatted in accordance with Federal Register guidance on notices (see Chapter VIII). Otherwise, there are no format requirements for the NOI. A sample NOI is shown in Illustration 1. To the extent practical, the NOI should be combined with other required notices. At a minimum, the following information must be briefly discussed in an NOI:

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a. Briefly describe the proposed action and alternatives. In the case of some BLM-initiated actions, where the proposed action has not yet been developed in detail, the reason for initiating the EIS should be clearly stated (e.g., to consider an amendment to an existing RMP for the purpose of establishing right-of-way corridors).

b. Briefly describe the process that will be used in scoping the EIS, including whether, when, and where any scoping meetings will be held.

c. Identify the name and address of the individual to contact for more information.

2. The Preparation Plan. The preparation plan is an internal document and may be combined or incorporated with other documents or records as appropriate. There are no specific format or content requirements for a preparation plan; however, it should generally incorporate actions and determination⁸ addressed during scoping. It may include the following:

a. A brief description of the proposed action.

b. Purpose and need to which the BLM is responding in proposing the alternatives, including the proposed action.

c. Relationship to and identification of relevant studies including previous EIS's or EA's prepared by the BLM as well as by other agencies within the region or for similar actions. Conformance with existing RMP or MFP (or other relevant plans) should also be discussed.

d. Scope of the analysis planned for the EIS, including alternatives to the action, major issues, and potential impacts to be addressed. The level of detail and analysis for the EIS are defined, along with the geographical coverage and subject matter limitations placed on the analysis.

e. Anticipated data and information needs, to the extent known.

f. Public participation plan for the EIS, including the strategy for all scoping actions involving the public and Federal, State, local and Tribal agencies as well as scheduled meetings and/or public hearings. Methods for informing groups or individuals of progress on the EIS as well as participation and review opportunities should be specifically identified.

g. Identification of agency responsibilities, including lead and cooperating agency responsibilities, and the need for MOU's or IA's. If more than one BLM office (e.g., more than one State, District, or Area Office) will be involved, the level and nature of involvement of each 225 should be identified.

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h. Team organization and responsibilities including identification of disciplines, staffing assignments, and contracting oversight assignments.

i. A proposed schedule for completing the EIS, including target dates and deadlines for completion of various activities. Factors to consider in scheduling the EIS are set forth in 40 CFR 1501.8.

j. A proposed budget for the EIS.

k. Cost reimbursement procedures for the EIS, if applicable (see BLM Manual Section 1323).

l. A preliminary outline of the EIS (format and content mock up) and any page limitations or other document length or format standards (e.g., maps).

3. The Draft Environmental Impact Statement. The standard format for an EIS is described in 40 CFR 1502.10. Guidance on using alternative formats and for combining the EIS with other documents is provided in 516 DM 4.6. Program-specific guidance may identify additional format and content requirements or options. General guidance on the length of the EIS and the writing style are set forth in 40 CFR 1502.7 and 1502.8. Detailed content guidance is described in 40 CFR 1502.10-1502.18 and 1502.25. The required as well as recommended content and format of an EIS is listed below.

a. Cover Sheet (required by 40 CFR 1502.10(a); also see 40 CFR 1502.11; 1502.25, and 516 DM 4.7, 4.15). The cover sheet consists of one page containing:

(1) Title of the proposed action and its location, i.e., State and counties (as well as titles and location of related cooperating agency actions, where appropriate).

(2) Designation as Draft EIS or Supplemental Draft EIS.

(3) Identification of lead agency and cooperating agencies.

(4) Name, address, and telephone number of the lead agency person who can supply further information or receive comments.

(5) One paragraph abstract of the statement.

(6) Brief statement indicating whether the EIS is intended to serve any other environmental review or consultation requirements pursuant to 40 CFR 1502.25 (a) (see 516 DM 4.7 and 4.15).

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(7) Date the draft EIS is issued (month/year).

(8) Date by which comments must be received.

(9) Name and title of manager responsible for preparing the EIS and of the official responsible for authorizing the action, e.g., State Director (optional).

b. "Dear Reader" Letter. An open letter to reviewers, signed by the manager responsible for preparing the EIS, may be used to request review and comment on the draft. This letter may be used to inform the reader of other details which may be pertinent to the review, e.g., if an abbreviated final EIS is anticipated, suggest that the reader retain the draft for reference.

c. Summary (required by 40 CFR 1502.10(b); also see 40 CFR 1502.12 and 516 DM 4.8). This section amounts to an executive summary, 15 pages or less, of the EIS. It should emphasize those considerations, controversies, and issues which significantly affect the quality of the human environment (516 DM 4.8). It should also identify the BLM's preferred alternative.

d. Table of Contents (required by 40 CFR 1502.10(c)). For complex EIS's a table of contents may also be inserted at the beginning of each chapter.

e. Introduction.

(1) Purpose and Need (required by 40 CFR 1502.10(d); also see 40 CFR 1502.13 and 516 DM 4.9). This section briefly specifies the purpose and need to which the BLM is responding in proposing the action, or the purpose intended by a private party or government agency in proposing the action. The purpose of and need for the action must be stated objectively. This section should also identify the authority under which the action is being proposed. Avoid lengthy discussions of historical factors.

(2) General Location. Include a general location map which identifies the location of the proposed action which is the subject of the EIS.

(3) Relationship to BLM Policies, Plans, and Programs. Explain the relationship of this action to BLM policies, plans, and programs. The RMP or MFP conformance determinations should be documented in this section, including the names and dates of approval of such plans. Summarize land use determinations which affect the proposed action or alternatives.

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(4) Relationship to Non-BLM Policies, Plans, and Programs.

Explain how the proposed action relates to the policies, plans, programs, controls and management practices of other Federal, State and local agencies, and private organizations. Any land use planning or zoning statutes or requirements which may affect or limit the proposal should be discussed.

(5) Authorizing Actions (40 CFR 1502.25 (b)). Identify the actions necessary to authorize the proposed action or alternatives. Include Bureau actions to authorize applicant proposals (e.g., granting right-of-way) and actions by other Federal, State, and local entities which would be required for implementation (e.g., obtaining State or local permits).

f. Alternatives Including the Proposed Action (required by 40 CFR 1502.10(e); also see 40 CFR 1502.14). This section describes the proposed action and alternatives, summarizes the environmental impacts, and identifies alternatives considered but eliminated from detailed analysis.

(1) Bureau's Proposed Action and/or Preferred Alternative.

Identify the Bureau's proposed action and/or preferred alternative, generally in the applicable description. Briefly explain the rationale for the selection of the preferred alternative, including factors other than environmental considerations which influenced the choice.

(2) Proposed Action. Provide a complete description of the proposed action: steps, phases, or timing of activities; location(s) or extent of activities; and any constraints, parameters, project design features, or management practices which may limit the impacts, i.e., mitigation which has been incorporated into the proposed action. Monitoring requirements associated with the proposed action should also be described.

(3) Alternatives. Describe the no-action alternative and all reasonable alternatives, including related monitoring requirements, to the same level of detail as the proposed action. Be sure to fully describe any features which are intended to limit the impacts, i.e., mitigation which has been incorporated into an alternative. How each alternative, with the exception of the no-action alternative, will generally accomplish the purpose and need for action should be indicated.

The no-action alternative should describe what would occur if the proposed action or other alternatives were not implemented. In some cases, no action would be defined as no change from current management direction or level of intensity, not a freezing of the existing situation. In other cases, such as for project proposals, no action would mean not allowing the proposed action or any reasonable alternative to be implemented; denying the action.

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Indicate if an alternative is not within the jurisdiction of the lead agency. In some cases, a reasonable alternative may be defined which violates an existing statutory, regulatory or other requirement. This does not preclude its consideration in the EIS, however, changes in existing laws, regulations, etc., which would be-needed to select or implement the alternative, should be identified.

(4) Features Common to all Alternatives. Describe features which are common to more than one alternative. Such features must be described but need only be described in detail once, e.g., identify such features in the description of the proposed action and cross-reference to that description in the discussion of each alternative to which they apply. Another option is to describe common features under a separate heading; Common features include, but are not limited to, any standard operating procedures or other Bureauwide requirements which are prescribed by law, regulation, or manual guidance and apply to the proposed action as well as alternatives. Consult program-specific guidance to identify legally required or standard operating procedures.

(5) Summary of Environmental Impacts. Provide a summary comparison of the environmental impacts of the proposed action and the alternatives, based on the results of the analysis in the sections on the Affected Environment and Environmental Consequences. This is best done with both tables and narrative. Tables are useful for displaying the impacts so the reader can observe the major differences across the alternatives. The narrative should not simply repeat impacts and key elements from the tables but should highlight the differences in impacts. This discussion should not, however, contain value judgements regarding the relative merits of the alternatives, e.g., rankings from best to worst. The summary analysis should be objective and, to the extent possible, quantified.

(6) Alternatives Considered but Eliminated from Detailed analysis. Describe any alternatives, including those suggested by the public or other agencies during scoping, which were at one time considered but were eliminated from detailed analysis. Also provide a brief rationale for their exclusion from consideration.

g. Affected Environment (required by 40 CFR 1502.10(f); also see 40 CFR 15&.15). This section should describe the components of the human environment including the physical, biological, social, and economic resources and conditions that would be affected by the alternatives considered. Descriptions should be quantified, if possible, and they should be no longer than is absolutely necessary to understand the impacts of the alternatives. I& is not necessary or desirable to fully describe parts of the environment that would not be affected in a significant way, although they may be noted in an introduction. This section serves as a baseline showing conditions, including trends in those conditions, as they exist prior to the initiation of the proposed action or any alternative.

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Describe the relative importance of the affected resource and its relationship to the region. Sensitive environmental elements and values which do not fit traditional resource categories, but which may be affected, must be considered. It is important that critical elements which are subject to statutory, regulatory or other requirements be fully addressed in the EIS (see Appendix 5). Identify critical elements which are not present or not a part of the affected environment in the description of the affected environment.

Reduce the narrative in this section by incorporating materials by reference (see Chapter III). Sources of data and information and other technical reference materials which are used in the preparation of the description of the affected environment, but are not incorporated by reference, should be cited in footnotes where appropriate and included in the bibliography for the EIS. Identify incomplete or unavailable information as defined in 40 CFR 1502.22 and describe efforts that were made to obtain it.

h. Environmental Consequences (required by 40 CFR 1502.10(g); also see 40 CFR 1502.16). The topics discussed below are appropriate to the section in the EIS on environmental consequences, but need not be used as individual section headings. How the information is organized is up to the manager responsible for preparing the EIS. If the EIS is combined with another document, this section must be added to the combined document, must contain all the environmental analysis, must be clearly labeled, and must be distinctly separated from the other material, i.e., not interwoven with the rest of the document (516 DM 4.6).

Information and analyses may also be effectively incorporated by reference in the environmental consequences section of the EIS to help reduce the bulk of the narrative. All source material and technical references should be cited in footnotes, where appropriate, and included in the bibliography for the EIS.

(1) Assumptions and Assessment Guidelines. Describe assumptions and assessment guidelines used in analyzing the environmental consequences, either in a separate section or in the discussion of impacts. This information provides the reader with a basis for understanding and judging the reliability of the impact analysis. Identify any criteria, time-frames, rates of change, and other common data or ground rules for analysis which were used by team members in conducting the analysis. Clearly explain the methodology and assumptions used when information critical to the analysis was incomplete or unavailable (see 40 CFR 1502.22).

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(2) Impacts of the Proposed Action and the Alternatives.

Analyze and describe the direct, indirect, and cumulative impacts on the quality of the human environment of the proposed action and each alternative analyzed in detail, including the no-action alternative. Also identify possible conflicts between the proposed action (and each alternative) and the objectives of Federal, regional, State, local, and Indian tribal land use plans, policies, and/or controls for the area concerned. Describe the energy and natural or depletable resource requirements and conservation potential of the proposed action and each alternative. Discuss, where applicable, urban quality, historic and cultural resources, and the design of the built environment including the reuse and conservation potential of the proposed action and each alternative. The magnitude of all impacts should be identified and the risks associated with such impacts assessed. The description of impacts should identify how short-term uses of the environment will affect long-term productivity of resources and identify any irreversible and irretrievable commitments of resources resulting from those uses.

Clarity of expression, logical thought processes, and rational explanations are far more important than length or format in the discussion of impacts. Subjective terms should be avoided. The analysis should lead to a pointed conclusion about the amount and degree of change (impact) caused by the proposed action and alternatives. To the extent possible, the level of certainty associated with such conclusions should be noted. The impact analysis may be either organized by alternative or by resource.

(3) Mitigation Measures. Analyze and describe any mitigation measures which could be implemented to avoid or reduce the projected impacts of the proposed action or alternatives. It is recommended that the discussion distinguish between those measures which the BLM has the authority and resources to enforce or implement and those which the BLM does not have the authority and resources to enforce or implement. Identify the effectiveness of the mitigation measures in reducing adverse impacts or enhancing beneficial impacts, including any residual impacts or unavoidable adverse impacts which remain after mitigation measures have been applied. Also identify any further impacts caused by the mitigation measures themselves. Where applicable, discuss the energy and natural or depletable resource requirements and conservation potential of mitigation measures as well as the reuse and conservation potential of mitigation measures associated with urban quality, historic and cultural resources and the design of the built environment.

i. Consultation and Coordination.

(1) Scoping. Briefly describe the scoping process, including efforts to involve the public in the preparation of the EIS. Summarize the results of scoping meetings and the use of comments received during the scoping process. Also identify agencies and organizations consulted during the scoping process and describe the results of coordination and consultation activities. Describe other surveys or studies required by law or executive order which have been satisfied and integrated with the EIS (40 CFR 1502.25).

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(2) List of Agencies, Organizations and Persons To Whom Copies of the Statement Are Sent (required by 40 CFR 1502.10(i)). List all agencies, organizations and persons who are being sent a copy of the EIS for review.

j. Other Material.

(1) List of Preparers (required by 40 CFR 1502.10 (h); also see 40 CFR 1502.17). List the names, together with the qualifications, of persons primarily responsible for preparing the EIS or background papers.

(2) Glossary.

(3) References- Include all references cited in the text.

(4) Index (required by 40 CFR 1502.10 (j)).

(5) Appendices, if any (as specified in 40 CFR 1502.10(k); also see 40 CFR 1502.18 and 516 DM 4.11).

4. The Final Environmental Impact Statement.

a. Abbreviated Final EIS. If minor changes are made in the draft EIS in response to comments, consisting of technical, editorial, or nonsubstantive factual corrections, then an abbreviated final EIS may be prepared. An abbreviated final EIS only contains copies of substantive comments received on the draft, responses to those comments, and an errata section with specific modifications and corrections to the draft EIS in response to comments (40 CFR 1503.4). No rewriting or reprinting of the draft EIS is necessary. For EIS's requiring the approval of the Assistant Secretary for Policy, Budget and Administration, the manager responsible for preparing the EIS should consult with the Office of Environmental Project Review when proposing to prepare an abbreviated final EIS (516 DM 4.17C).

b. Full Text Final EIS. If the required changes are major, the final EIS should be a complete full text document. The content of a full text final EIS is substantially the same as the corresponding draft EIS except that it includes copies of substantive comments on the draft EIS, responses to those comments as well as changes in or additions to the text of the EIS in response to comments (40 CFR 1503.4). A full text final EIS may incorporate by reference the appendices of the draft EIS.

NOTE: The availability of a full text final EIS aids subsequent use of the document for tiering and supplementing purposes.

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5. The Notice of Availability The BLM must publish a notice of availability (NOA) in the Federal Register for the draft EIS, final EIS, and ROD on actions with effects of national concern or if required by program-specific guidance. There are no format or content requirements for an NOA other than those associated with the preparation of notices for publication in the Federal Register (see Chapter VIII). In addition to announcing the availability of a document and the public review period where applicable, the NOA will generally identify the purpose of the document, describe the proposed action and alternatives, and indicate the dates and location of public meetings on the document. Consult program-specific guidance for any other content requirements. A sample NOA is shown in Illustration 2.

6. The Record of Decision. (40 CFR 1505.2) The ROD is a separate and concise public record which links the manager's decision to the analysis presented in the EIS. The ROD shows how environmental impacts and other factors were considered in the decisionmaking process. The ROD must clearly identify the decision, including mitigation measures required as part of the decision; identify all alternatives considered, including the alternative(s) considered to be environmentally preferable; and state whether all practicable methods to reduce environmental harm were adopted and, if not, why not. It should also summarize monitoring and enforcement activities for mitigation measures. The ROD must be signed and dated by the manager responsible for authorizing the action. The ROD may be integrated with any other record prepared by the BIM. Consult program-specific guidance for other requirements associated with certain kinds of actions (e.g., the Competitive Coal Leasing Handbook, H-3420-1, contains guidance on ROD's involving regional coal sales).

A suggested format, which satisfies the ROD content requirements specified in 40 CFR 1505.2, is provided below:

a. Introductory Material. A cover sheet may be prepared which includes the following information. Otherwise most of this information is included at the top of the first page.

- (1) Title.
- (2) Project or case file identification number, if applicable.
- (3) Preparing office and office location.
- (4) Cooperating agencies, if any.

(5) Signature and title of the responsible official, and signature and title of concurring officials, if any (signature(s) may appear on the last page of the ROD if a cover sheet is not prepared).

(6) Date of signature of approving and concurring officials (this is the official date of the ROD).

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b. Summary. A summary is needed only if the ROD exceeds 10 pages. It should be a brief synopsis of the ROD.

c. Decision (40 CFR 1505.2(a)). A clear and concise description of the approved action should be prepared. All important aspects or details of the decision should be identified. There should be no ambiguities regarding the specifics of what is or is not being approved.

d. Alternatives Including the Proposed Action (40 CFR 1505.2(b)). Identify the alternatives considered. Identify the "environmentally preferable" alternative(s) in this section.

e. Management Considerations (40 CFR 1505.2(b)). This section provides the rationale for the decision. Discuss factors, including national policy considerations, which were important and relevant to the decision. Discuss social, economic, and other pertinent considerations weighed in the decisionmaking process.

f. Mitigation and Monitoring (40 CFR 1505.2 (c)). Committed mitigation measures and related monitoring and enforcement activities, if any, for the selected alternative are presented here. Stipulations which will become part of the Bureau's authorization should be attached to the ROD or incorporated by reference. Indicate whether all practicable means to avoid or reduce environmental harm have been adopted. Measures to avoid or reduce environmental harm which were not selected should also be identified with a brief explanation of why such measures were not adopted.

g. Public Involvement, Briefly describe efforts to seek public views throughout the NEPA process.

D. Implementation and Monitoring. Until the ROD has been signed and at least 30 days following the release of the final EIS, no action having either an adverse environmental effect or which would limit the choice of alternatives can be taken (40 CFR 1506.1(a)). Following approval of the ROD and the satisfaction of all other program-specific procedural requirements, implementation may begin. Implementation actions must be in accordance with the decision(s) as documented in the ROD. No substantive changes may be made in the implementation of the decision without reconsideration of NEPA compliance needs.

Monitoring and enforcement activities for mitigation measures are generally specified in the ROD as an element of the decision. Most other monitoring activities, however, will not be specified in the ROD. A monitoring plan is recommended for most actions requiring an EIS and Should be developed as soon as possible after approval of the ROD (see Chapter VI).

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SAMPLE NOTICE OF INTENT

The following is a sample NOI for a third party EIS. Please note that when submitted to the OFR, the Federal Register notice must be doubled spaced and prepared in accordance with guidance set forth in Chapter 8.

(Billing Code)

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Notice of Intent to Prepare an Environmental Impact Statement (EIS) on a Proposed Coal-fired Steam/Electric Generating Plant, Nevada

AGENCY: Bureau of Land Management.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS) on a Coal-fired Steam/Electric Generating Plant in Northeastern Nevada and Notice of Scoping Meetings.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Elko District, will be directing the preparation of an EIS to be prepared by a third party contractor on the impacts of a proposed coal-fired steam/electric generating plant, the Thousand Springs Energy Park (TSEP) project, proposed on public and private lands in Elko County located in northeastern Nevada.

DATES: Written comments will be accepted until July 27, 1988. A public scoping meeting will be held beginning at 7 p.m. on July 6, 1988, at the Ranch House Cafe at the intersection of State Highway 93 and Interstate 80 in Wells, Nevada. Additional briefing meetings will be considered as appropriate.

ADDRESS: Comments should be sent to the District Manager, Bureau of Land Management, P.O. Box 831, Elko, NV 89801, ATTN: Thousand Springs Energy Park Project.

FOR FURTHER INFORMATION CONTACT: Nancy Phelps-Dailey (702) 738-4071

SUPPLEMENTARY INFORMATION: The TSEP project will be jointly owned by Sierra Pacific Resources and a consortium of private interests. It is anticipated that the energy output and capacity of the plant will serve California, Nevada, and other western States. Sierra Pacific Resources (SPR) will act as the Project Manager and Operating Manager for the proposed project.

The site selection study for the proposed plant was conducted in 1981. Several sites were identified in a statewide survey as being environmentally and technically satisfactory for power plant development. Potential issues include, but may not be limited to, air quality, social and economic impacts, ground and surface water quantity, waste disposal, wildlife and the land tenure adjustment.

The proposal includes construction of generating units near Toano Draw in Thousand Springs Valley, Elko County, Nevada. Coal will be supplied from mines in Utah and Wyoming, and is proposed to be delivered to the plant site by rail via Cobre or Wells, Nevada. A total of six million tons per year is expected to be required at full capacity. The proposed plant site is located near the Southern Pacific Railroad. Studies are underway to determine the optimum rail spur location into the site.

The planned size and arrangement of the overall project takes into account the airshed capacity in the Toano Draw area. Meteorological and air quality monitoring has been conducted to document pre-project air quality which is considered good. Emissions control equipment will be employed to comply with Nevada State law and Environmental Protection Agency regulations. Ground level pollutant concentrations will not exceed levels permitted by National Ambient Air Quality Standards. The plant would require approximately 30,000 acre-feet of water annually. Water rights associated with SPR's land holdings in Thousand Springs Valley would be expected to be sufficient to meet these requirements. Water is proposed to be delivered from well fields to the plant using a system of pipelines.

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Energy generated at the plant will be conveyed via new power transmission facilities. Transmission corridors and terminals for distributing power will not be finally determined until participating utilities have been identified. SPR plans to use designated and planned utility corridors as identified in Federal land use plans within Nevada to the maximum practical extent. Land use amendments may be necessary to accommodate some facilities.

Construction of the units would continue over approximately 20 years beginning in early 1991, with the first operating unit proposed to be ready for commercial operation in 1994. Thereafter, successive units are proposed to be ready for operation at approximately two-year intervals. Estimates of the average and peak construction labor force, as well as the plant operating force, are currently being developed. The proposed project would be constructed in a sparsely populated area and most of the project work force would be assembled from beyond reasonable commuting distances. Alternative project planning includes providing living accommodations for workers at the site, or in nearby communities.

Construction of the power plant is expected to require approximately 2,500 acres, of which the majority would be used for the coal stockpile and waste disposal ponds. Public lands (presently managed by the Bureau of Land Management) will be required for the TSEP project in addition to private land holdings. The public lands needed to accommodate the power plant proposal would be acquired by SPR through a land exchange with the Bureau of Land Management.

The Toano Draw area, which has a checkerboard public/private land ownership pattern has been identified by SPR as best suited for the proposed project. In exchange for approximately 11,600 acres of public land in Toano Draw, the Bureau of Land Management would acquire approximately 11,500 acres of private land in the Snake Mountain Range west of Wells, Nevada. Those lands are considered to be high resource value lands that would provide important range, wildlife, watershed and recreation management opportunities for the Bureau of Land Management and the public.

The no-action alternative will be analyzed in the EIS. Items to be considered for analysis within other alternatives to the proposed action include, but are not limited to: (1) Intermediate plant capacity, (2) Other types of power generating technology, (3) Scheduling of units, (4) Power plant sites, (5) Transmission line routes, (6) Location of worker accommodations, (7) Fuel supply and transport, (8) Water supply, and (9) Plant equipment.

The tentative project schedule is as follows:

Begin Public Comment Period - February 1990
File Final Environmental Impact Statement - August 1990
Record of Decision - September 1990
Complete Licensing and Permitting - May 1991
Begin Construction of Unit 1 - Early 1991
Begin Commercial Operation of Unit 1 - Early 1994

The Bureau of Land Management's scoping process for the EIS will include: (1) Identification of issues to be addressed; (2) Identification of viable alternatives and (3) Notifying interested groups, individuals and agencies so that additional information concerning these issues can be obtained.

The scoping process will consist of a news release announcing the start of the EIS process; letters of invitation to participate in the scoping process; and a scoping document which further clarifies the proposed action, alternatives and significant issues being considered to be distributed to selected parties and available upon request.

Fred Wolf
Associate State Director, Nevada

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SAMPLE NOTICE OF AVAILABILITY

The following is a sample NOA for a draft RMP/EIS. Please note that when submitted to the OFR, the Federal Register notice must be doubled spaced and prepared in accordance with guidance set forth in Chapter 8.

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

(Billing Code)

Notice of Availability of Draft West Hi-Line Resource Management Plan/Environmental Impact Statement

AGENCY: Bureau of Land Management.

ACTION: Notice of Availability of the Draft West Hi-Line Resource Management Plan/Environmental Impact Statement

SUMMARY: In accordance with Section 202 of the National Environmental Policy Act of 1969, a draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) has been prepared for the West Hi-Line planning area. The RMP/EIS describes and analyzes future options for managing approximately 626,000 acres of public land and 1.3 million acres of Federal mineral estate in Glacier, Toole, Liberty, Hill, Chouteau, and Blaine Counties in north-central Montana. It also addresses the recreational management of public lands within the Upper Missouri National Wild and Scenic River Corridor in Fergus and Phillips Counties.

Decisions generated during this planning process will supersede land use planning guidance presented in the Triangle, South Bearpaw, and Blaine Management Framework Plans (MFPs) and land use guidance pertaining to the Upper Missouri National Wild and Scenic River in the Phillips and Judith MFPs. The RMP/EIS incorporates land use decisions presented in the Prairie Potholes Vegetation Allocation EIS (1981), Missouri Breaks Grazing EIS (1979), the Missouri Breaks Wilderness Suitability Study/EIS (1982), and the Lewistown District Oil and Gas Environmental Assessment of Bureau of Land Management (BLM) Leasing Program.

Copies will be available at each public library located in Glacier, Liberty, Toole, Hill, Chouteau, and Blaine Counties. In addition, copies will be available at libraries in Malta, Lewistown, and Great Falls. Copies will be available from the Lewistown District Office, Airport Road, Lewistown, Montana 559457; phone (406) 538-7461. Public reading copies will be available for review at the following BLM locations:

Office of Public Affairs
Main Interior Building, Room 5600
18th and C Streets, N.W.
Washington, D.C. 20240

Public Affairs Office
Montana State Office
222 North 32nd Street
Billings, Montana 59107

Lewistown District Office
Airport Road
Lewistown, Montana 59457

Havre Resource Area
West Second Street
Havre, Montana 59501

Great Falls Resource Area
215 1st Avenue, N.
Great Falls, Montana 59403

Phillips Resource Area
501 South Second Street, E.
Malta, Montana 59538

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Background information and maps used in developing the RMP/EIS are available at the Lewistown District Office and the Great Falls, Havre, Phillips, and Judith Resource Area Offices.

DATES: Written comments on the draft RMP/EIS must be submitted or postmarked no later than September 2, 1987. Oral and/or written comments may also be presented at six public meetings to be held:

July 13, 1987	7 p.m.	Olympic Room, Duck Inn, 300 First Street Havre, Montana
July 14, 1987	7 p.m.	Great Falls Public Library 301 2nd Avenue, North Great Falls, Montana
July 15, 1987	7 p.m.	Marias River Coop 910 Roosevelt Highway Shelby, Montana
July 16, 1987	7 p.m.	Liberty County Courthouse Chester, Montana
July 20, 1987	7 p.m.	BLM Lewistown District Office Airport Road Lewistown, Montana
July 21, 1987	7 p.m.	Emergency Operations Center 2610 N. Main Avenue Fort Benton, Montana

ADDRESS: Written comments on the document should be addressed to: Wayne Zinne, District Manager, Bureau of Land Management, Lewistown District Office, Lewistown, Montana 59457.

FOR FURTHER INFORMATION CONTACT: Ann Aldrich, Project Manager, Lewistown District Office, Airport Road, Lewistown, Montana 59457; phone (406) 538-7461.

SUPPLEMENTAL INFORMATION: The draft RMP/EIS analyzes four alternatives to resolve the following five issues: land tenure adjustment; off-road vehicle management; right-of-way location; emphasis area management; and recreational management of the Upper Missouri National Wild and Scenic River. Each alternative represents a complete management plan for the area. The alternatives can be summarized as: (A) no action or continuation of current practices; (B) resource production; (C) resource protection; and (D) the preferred alternative, which is a balance of the previous three.

The RMP/EIS examines the designation of three areas as Areas of Critical Environmental Concern (ACEC). Management prescriptions for the areas vary by alternative and are described in the Emphasis Area sections of the RMP/EIS.

The preferred alternative would designate the Kevin Rim as an ACEC in order to protect historic peregrine habitat, habitat for other State and Federal special interest raptor species, and cultural resources. A management zone would be established on surrounding Federal mineral estate. Oil and gas exploration and development and other surface disturbance would continue under more restrictive stipulations to protect the raptor and cultural resources. Off-road vehicle and right-of-way location restrictions would also be applied in the area.

The preferred alternative would also designate the Sweet Grass Hills as an ACEC, with a management zone on surrounding Federal mineral estate, in order to preserve resource values important for Native American religious and cultural practices, peregrine falcon and other sensitive raptor habitat, public recreation, and winter elk habitat. Management in this area would include limitations on off-road vehicles; right-of-way location, including communication site location; more restrictive raptor stipulations for surface disturbing activities; and possible restrictions on surface developments to reduce conflicts with Native American religious and cultural practices. A protective withdrawal from mineral entry would be pursued under Alternative C, the resource protection alternative.

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The preferred alternative would also designate the Cow Creek area as an ACEC in order to protect and preserve the scenic, interpretive, recreational, and paleontological resources associated with the Nez Perce National Historic Trail and the Cow Island Trail. Such a designation would also protect the values associated with the overlapping Upper Missouri National Wild and Scenic River, the Lewis and Clark National Historic Trail, and the Cow Creek WSA. Management in this area would include limitations on off-road vehicles, right-of-way location, surface disturbance, and the use of riparian areas.

Public participation has occurred throughout the RMP process. A Notice of Intent was filed in the Federal Register in December 1983. Since that time several open houses, public meetings, and mailouts were conducted to solicit comments and ideas. Any comments presented throughout the process have been considered.

This notice meets the requirements of 43 CFR 1610.7-2 for designation of ACEC's.

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